

REMARKS

Applicant appreciates the thorough examination of the present application as evidenced by the Office Action. Applicant submits the present application is in form for allowance for at least the reasons discussed below.

The Interview Summary:

Applicant appreciates the courtesy extended by the Examiner during the telephone interview of June 9, 2008. During the interview, the Section 101 rejections and the Dahm reference and the rejections based on the Dahm reference were discussed. The points raised by Applicant's undersigned representative during the interview are generally reflected in the comments below.

The Section 112 Rejections:

Claims 13, 15-23, 25, 27-28 and 30-31 stand rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. Final Action, p. 3. Based on the discussions during the interview, it is Applicant's understanding that agreement was reached to withdraw the Section 112 rejections.

The Section 101 Rejections:

Claims 13, 15-23, 25, 27-28 and 30-31 stand rejected under 35 U.S.C. § 101 as being directed to un-patentable subject matter as being directed to "software *per se*" not embodied in hardware. Final Action, p. 2. As stated by the Examiner during the interview, this rejection is based on the statement in the specification that "the present invention may take the form of ... an entirely software embodiment." Specification, p. 6, lines 26-27. However, this excerpt, in context reads:

As will be appreciated by one of skill in the art, the present invention may be embodied as a method, data processing system, and/or computer program product. Accordingly, the present invention may take the form of an entirely hardware embodiment, an entirely software embodiment or an embodiment combining software and hardware aspects all generally referred to herein as a "circuit" or "module." (emphasis added)

Specification, p. 6, lines 24-29. In other words, the possible forms are with reference to all three categories listed in the preceding sentence, including a computer program product, which is entirely software stored on a computer readable media. The cited portion of the specification goes on to state:

These computer program instructions may also be stored in a computer-readable memory that can direct a computer or other programmable data processing apparatus to operate in a particular manner, such that the instructions stored in the computer-readable memory produce an article of manufacture. (emphasis added)

Specification, p. 7, line 28 to p. 8, line 2.

As such, when the specification is read in its entirety, it is clear that the rejected "system" claims are not directed to software per se, they are directed to programmable data processing systems, which may be configured with software, to produce an article of manufacture. Accordingly, Applicant respectfully submits the Section 101 rejections should be withdrawn for at least these reasons.

The Prior Art Rejections:

Claims 1, 3-10, 12-13, 15-23 and 25-31 stand rejected as anticipated under 35 U.S.C. § 102(b) over United States Patent No. 6,466,783 to Dahm *et al.* ("Dahm"). Final Action, p. 2. As these rejections are substantially the same as the prior art rejections in the previous Office Action, to expedite reconsideration of the rejections, only newly raised matters in the Response to Arguments section of the Final Action will be addressed herein. However, to assure this submission is considered fully responsive, Applicant's previous Amendment is incorporated by reference herein as if set forth in its entirety.

Paragraph 4 of the Response to Arguments asserts "Applicant argues Dahm fails to disclose determining whether a protocol of a received request is wireless or wired" and asserts such is taught by the disclosure of both UDP and HTTP interfaces in Dahm. Final Action, p. 2. As an initial matter, Applicants agree that both wireless and wired network interfaces are disclosed, for example, in Figure 2A of Dahm. However, reliance on this portion of Dahm is not relevant to the arguments presented by Applicant. In Dahm, the alleged request is always

received over the wireless network as Dahm is particularly directed to "visual interfaces to mobile subscriber account services suitable for mobile devices." Dahm, Abstract. Thus, Dahm fails to disclose a system or method where requests may be received from both and, based on a determination of the protocol of the request, a responsive query is formatted differently. Dahm clearly fails to even suggest such an approach as all requests and responses thereto are formatted using a wireless protocol.

Paragraphs 5 and 6 of the Response to Arguments assert that the exchange of encryption keys to establish a secure connection in Dahm discloses selective transmission of a challenge question. Final Action, p. 2. As discussed above, such an exchange is clearly not "selectively transmitting." Furthermore, a conventional exchange of keys to establish a secure connection using encryption bears no relation to controlling access or transmission of a challenge question prior to providing access, it relates to setting up a secure connection to an already accepted requestor that will not be readable by others. Thus, for example, such an exchange of keys may occur in embodiments of the present invention after a challenge question is sent and a response is validated to allow further secure communications between a validated user and the self-service application. Thus, the rejections over Dahm should be withdrawn for at least these reasons.

Paragraph 7 of the Response to Arguments appears to assert that Dahm discloses "a password and/or account privileges management self-service application" as "the access verification in column 10 is a 'password self-service application method'." Final Action, p. 2. Applicant can find no support in column 10 of Dahm for this assertion. In fact, based on an a search using the USPTO electronic database, the term "password" does not even appear in Dahm. Thus, the rejections over Dahm should be withdrawn for at least these reasons.

Finally, paragraph 8 of the Response to Arguments cites to the number 93845823 found in Dahm and asserts "Applicant is responsible for reading the reference in its entirety." Final Action, p. 3. In this regard, Applicant notes that the previous Amendment, incorporated by reference above expressly noted this very language in Dahm as follows:

For example, dependent Claims 29-31 are rejected based on column 10, line 29 of Dahm. Final Action, p. 5. This line of Dahm, in its entirety, states " 93845823 is included." This excerpt clearly does not relate to a challenge question,

In re: Lineman
Serial No.: 10/696,098
Filed: October 29, 2003
Page 11

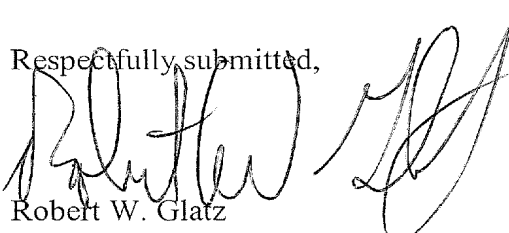
nonetheless the particular challenge questions detailed in these dependent claims. At most, the numbers may relate to a telephone number, without any context of a challenge question or a response thereto.

April Amendment, p. 12.

Conclusion

In light of the above remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

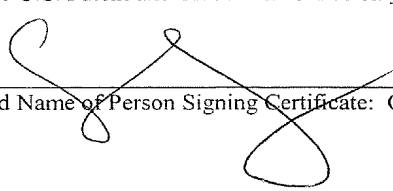
Respectfully submitted,


Robert W. Glatz
Registration No. 36,811

Customer No. 20792
Myers Bigel Sibley & Sajovec
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on June 13, 2008

Signature: 

Typed or Printed Name of Person Signing Certificate: Carey Gregory